REMARKS/ARGUMENTS

In the Final Office Action, the Examiner has rejected claims 1, 3-13, and 37 under 35 U.S.C. 101 because the claimed invention is directed to non-subject matter.

Contrary to the Examiner's assertion, it is respectfully submitted that configuring a gaming machine is not an abstract idea and loading gaming software produces a tangible result. Nevertheless, solely in order to expedite prosecution, claims have been presented in a form believed to be more preferred by the Examiner. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. 101.

In the Final Office Action, the Examiner has rejected claims 1, 3, 4, 7-9, 13, and 37 under 35 U.S.C. 102(b) as being anticipating by US Patent Publication No. 2002/0010025 (*Kelly et al.*). The Examiner has also rejected claims 14, 15, 18-20, 24, 25, 28-30 and 34 under 35 U.S.C. 103(a) as being unpatentable over *Kelly et al.* Claims 6, 17 and 27 have been rejected as being unpatentable over *Kelly et al.* in view of U.S. Patent No. 5,768,382 (*Schneier et al.*) Claims 10, 21 and 31 have been rejected as being unpatentable over *Kelly et al.* in view of U.S. Patent Publication No. 2003/0064771 (*Morrow et al.*). Claims 11-12, 22-23 and 32-33 have been rejected as being unpatentable over Kelly et al in view of U.S. Patent Publication No. 2002/0052229 (*Halliburton et al.*). The Examiner's rejection of claims is fully traversed below for at least the following reasons.

It is respectfully submitted that *Kelly et al.* does not teach or suggest configuring a gaming machine after it has been chosen by a player for tournament play (claim1).

Contrary to the Examiner's assertion, it is respectfully submitted that *Kelly et al.* teaches providing a fixed number of gaming apparatuses that are configured for games to be played by a plurality of players in a tournament. *Kelly et al.* teaches that : "[f]irst, a plurality of net-worked game apparatuses are provided for allowing games to be played by a plurality of players in a tournament" (Abstract, *Kelly et al.*). *Kelly et al.* teaches first providing gaming machines that are configured for tournament play. As such, the decision (902) of "whether a current version of the game is present and valid," can merely result in updating the current version of the game already on a gaming machine that is already configured for tournament play (see, paragraph 92 of *Kelly et al.*).

Accordingly, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn.

Furthermore, it is respectfully submitted that *Kelly et al.* does not teach or suggest: obtaining configuration data (see, for example, claim 19) for a gaming machine after the gaming machine has been selected and configuring the gaming machine that is not configured for play in the tournament after the gaming machine has been chosen by a player for tournament play.

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P279). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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